

MIP

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Franklin Antonio FIGUEROA-Montes,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **January 28, 2008** within the Southern District of California, defendant, **Franklin Antonio FIGUEROA-Montes**, an alien, who previously had been excluded, deported and removed from the United States to **Honduras**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30th DAY OF JANUARY 2008

Barbara L. Major

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Franklin Antonio FIGUEROA-Montes

MIP

PROBABLE CAUSE STATEMENT

Border Patrol Agents assigned to the San Diego Sector, Smuggling Interdiction Group, Criminal Alien Squad (SIG/CAS) utilize various source to locate and arrest previously deported criminal aliens who have returned to the United States.

On January 28, 2008, at approximately 1:55 P.M., Border Patrol Agents S. Brooks and A. Cacho were conducting surveillance of a residence in the 3500 block of Central Avenue in San Diego, California. The Agents noticed a subject matching the description of an individual later identified as the defendant **Franklin Antonio FIGUEROA-Montes** coming out of a residence. Agent Brooks and Agent Cacho approached the subject and identified themselves as Border Patrol Agents and then questioned the subject as to his identity and his immigration status. The defendant stated that he was a citizen of Honduras and was in the United States illegally. The defendant stated that he did not have any documents to remain in the United States. At approximately 2:00 P.M., the defendant was arrested and transported to the Chula Vista Border Patrol station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Honduras** on **April 26, 2007** through **Albuquerque, New Mexico**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.